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## **LEGISLATIVE TESTIMONY**

### **THE PRESIDENT'S EXECUTIVE ACTIONS ON IMMIGRATION AND THEIR IMPACT ON FEDERAL AND STATE ELECTIONS**

**Testimony before the House of Representatives, Committee on  
Oversight and Government Reform, Subcommittee on National  
Security and the Subcommittee on Health Care, Benefits, and  
Administrative Rules**

**February 12, 2015**

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The Heritage Foundation**

#### **My Background and Experience:**

My name is Hans A. von Spakovsky.<sup>1</sup> I am a Senior Legal Fellow in the Edwin Meese III Center for Legal and Judicial Studies at The Heritage Foundation and Manager of the

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<sup>1</sup> The title and affiliation are for identification purposes. The staff of The Heritage Foundation testify as individuals discussing their own independent research. The views expressed here are my own, and do not reflect an institutional position for The Heritage Foundation or its board of trustees, and do not reflect support or opposition for any specific legislation. The Heritage Foundation is a public policy, research, and educational organization recognized as exempt under § 501(c) (3) of the Internal Revenue Code. It is privately supported and receives no funds from government at any level; nor does it perform any government or other contract work. Heritage is also the most broadly supported think tank in the United States, with nearly 700,000 supporters in every state, 78% of whom are individuals, 17% are foundations, and 5% are corporations. The top five corporate givers provide The Heritage

Election Law Reform Initiative. The views I express in this testimony are my own, and not be construed as representing any official position of The Heritage Foundation.

I spent four years at the Justice Department as a career civil service lawyer, in three years as Counsel to the Assistant Attorney General for Civil Rights, where I helped coordinate the enforcement of federal voting laws. I spent two years as a commissioner on the Federal Election Commission. I served on the Board of Advisors of the U.S. Election Assistance Commission and on the Fulton County (Ga.) Board of Registrations and Elections. I was a former vice chairman of the Fairfax County (Va.) Electoral Board and a former member of the Virginia Advisory Board to the U.S. Commission on Civil Rights.

I am the author of numerous studies and articles on voting, elections, and campaign finance issues, including as a contributor to the American Bar Association's book on election law, "Votes! A Guide to Modern Election Law and Voting Rights" (ABA Section of State and Local Government 2012). I am the coauthor with John Fund of "Who's Counting? How Federal Bureaucrats Put Your Vote At Risk" (Encounter Books 2012).

### *Summary of Testimony*

The U.S. already has a problem with noncitizens being able to easily register to vote in our elections – whether they do so intentionally or not – with little chance of detection or prosecution when they are detected. There have been numerous such cases around the country from Florida to Virginia to Ohio to California. Those ineligible voters could make the difference in a close election, and we have many close elections, particularly in local races.

On Nov. 20, President Obama announced his new immigration policy, which will be implemented through a series of directives issued by Jeh Johnson, the Secretary of the Department of Homeland Security. This executive action, which will not only provide "protection" for aliens illegally in the United States – no prosecution or enforcement of federal law requiring their removal – but will also provide them with social security numbers and employment authorization documents or work permits. Lawsuits are already ongoing in several states to provide all aliens granted deferred status with driver's licenses, and other states like Georgia are already granting driver's licenses to such aliens.<sup>2</sup>

With an estimated five million illegal aliens being granted government identification documents and social security numbers, the problems associated with noncitizens and their votes will increase exponentially. When combined with the history of the Department of Homeland Security's prior reluctance to fully cooperate with election officials' attempts to verify the citizenship status of registered voters, it will be extremely difficult for election officials

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<sup>2</sup> See *Arizona Dream Act Coalition v. Brewer*, Case No. 12-02546 (D.AZ Jan. 22, 2015); Josh McKoy, *Mexico, Georgia is Issuing Drivers Licenses to Illegal Immigrants*, Townhall (Feb. 10, 2015); Roque L. Torres, *Connecticut To Issue Driver's Licenses To Undocumented Immigrants Who Qualify For DACA*, HuffPost (Jan. 7, 2013)..